

Remarks

Claims 1-29 are pending in the present application with claim 1 in independent form. Claim 1 is currently amended to include additional elements from the specification. Support for the additional elements added to claim 1 is found throughout the specification and drawings and no new matter is being introduced. Claims 1 and 3-5 are currently amended to overcome rejections under 35 U.S.C. §112, second paragraph. Claims 5, 6, 10, 18, 22, 23, 28, and 29 are currently amended to correct dependency. Claims 1-29 are amended for grammatical purposes.

Claims 5-29 are objected to under 37 C.F.R. §1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. Claims 1-4 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1-4 stand rejected under 35 U.S.C. §102(b) as being anticipated by GB 2,049,159 to Yano et al. (hereinafter *Yano et al.*).

With respect to the objection to claims 5-29 as being in improper multiple dependent form, claims 5, 6, 10, 18, 22, 23, 28, and 29 are currently amended such that no multiple dependent claim is dependent upon another multiple dependent claim. Applicants respectfully assert that these amendments overcome the Examiner's objection to claims 5-29.

With respect to the rejection of claims 1-4 under §112, second paragraph, independent claim 1 stands rejected due to the use of the term "pulsed." Claims 1 and 5 are currently amended to delete the term "pulsed." In addition, claims 3 and 4 stand rejected under §112 as being vague regarding whether the "vehicle" is being positively recited. The "vehicle" is not being positively recited and claims 3 and 4 are currently amended for clarification. The Applicants respectfully assert that these amendments overcome the rejection under §112, second paragraph.

With respect to the rejection of independent claim 1 under §102(b) as being anticipated by *Yano et al.*, independent claim 1 is currently amended and Applicants respectfully assert that independent claim 1, as amended, is novel and non-obvious over *Yano et al.*

The present invention is a device for heating-ventilation and/or air conditioning having three different *modules* interfaced with one another, i.e., three separate components each dedicated to a specific function. Each module is self-contained and performs its own function independently of the other modules, i.e., the ventilation module produces air flow, the heating module conditions the air flow, and the distribution module distributes the air flow to ultimately flow into selected areas of the vehicle. Finally, the modules are grouped substantially at the same horizontal level. As set forth in the specification, this modular arrangement allows for the device to be fit into a smaller space along a horizontal level so that the device can be fit into a vehicle that does not have a center console.

Independent claim 1 is currently amended to further define the modularity of the device. In particular, independent claim 1 is currently amended to claim that the heating module (12) includes a housing (30) connected to the ventilation module (14) and including at least one side air outlet (46d, 46g). Independent claim 1 is also currently amended to claim that the distribution module (16) has a casing (52) with an inlet (50) connected to the side air outlet (46d, 46g) of the heating module (12).

The Applicants respectfully assert that *Yano et al.* does not teach or suggest three modules and, more specifically, does not teach or suggest a “distribution module (16) having a casing (52) with an inlet (50) connected to a side air outlet (46d, 46g)” of the housing (30) of the heating module (12), as claimed in independent claim 1. To the contrary, *Yano et al.* discloses a conventional air conditioning apparatus with two blower casings 3 and a large casing 2 disposed therebetween. As such, the Applicants respectfully assert that independent claim 1, as amended is novel over *Yano et al.*

Also, the Applicants respectfully assert that *Yano et al.* does not teach or suggest “distribution means disposed within said casing (52)” of the distribution module (16), as claimed in amended independent claim 1. First, as set forth above, *Yano et al.* does not teach or suggest a distribution module and thus cannot teach or suggest “distribution means disposed within said casing (52)” of the distribution module (16), as claimed in amended independent

claim 1. Further, the Examiner has indicated in the Office Action that the joint ducts 20, 21, 27 are the “distribution means” of claim 1. These joint ducts 20, 21, 27 are not disposed “within said casing (52),” (emphasis added) as claimed in amended claim 1. As such, the Applicants respectfully assert that claim 1 is novel over *Yano et al.*

Further, the Applicants respectfully assert that *Yano et al.* does not teach or suggest a ventilation module, a heating module, and a distribution module “grouped substantially at the same horizontal level,” as claimed in independent claim 1. As indicated above, *Yano et al.* does not teach or suggest three modules, and as such, cannot disclose three modules “grouped substantially at the same horizontal level,” as claimed in independent claim 1. In addition, the joint ducts 20, 21 extend vertically as shown in Figure 4 of *Yano et al.* In any event, the Applicants respectfully assert that *Yano et al.* does not teach or suggest ventilation module, a heating module, and a distribution module “grouped substantially at the same horizontal level,” as claimed in independent claim 1. As such, the Applicants respectfully assert that claim 1 is novel over *Yano et al.*

Finally, the Applicants respectfully assert that amended independent claim 1 is non-obvious over *Yano et al.* As set forth above, the modular arrangement claimed in independent claim 1 advantageously allows for the device to be fit into a smaller space along a horizontal level so that the device can be fit into a vehicle that does not have a center console. To the contrary, *Yano et al.* discloses a conventional air conditioning apparatus having two blower casings 3 and a large casing 2 disposed therebetween. The Applicants respectfully assert that the advantageous construction of the device set forth in claim 1 is non-obvious over *Yano et al.*

In view of the foregoing, it is respectfully submitted that independent claim 1 and the claims that depend therefrom, are both novel and non-obvious such that these claims are in condition for allowance, which allowance is respectfully requested. Since June 7, 2009 was a Sunday, this Amendment is considered timely filed with a petition and payment for a two month extension of time. The Commissioner is authorized to charge our Deposit Account No.

08-2789 in the name of Howard & Howard Attorneys PLLC for any fees or credit the account for any overpayment for this matter.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS PLLC

Dated: June 8, 2009

/Christopher M. Francis/

Christopher M. Francis, Registration No. 59,511

450 West Fourth Street

Royal Oak, MI 48067

(248) 723-0392